

APPROVED AS AMENDED BY THE BOARD OF SELECTMEN

**TOWN OF DARIEN - MINUTES
BOARD OF SELECTMEN
DECEMBER 1, 2003**

ATTENDANCE: Evonne Klein, First Selectwoman; Barbara Thorne; Joe Miceli;
Bob Harrell; Linda Santarella

STAFF: John Crary, Town Administrator

OTHERS: Cheryl Russell; Bill Nolte; Peter Hovell, Seth Morton; William Pegler; Jane Brannigan

CALL TO ORDER

The First Selectwoman called the meeting to order at 5:30 p.m.

APPROVAL OF MINUTES OF NOVEMBER 3, 2003

Corrections:

Page one: Mr. Harrell said the last sentence of the first paragraph should read that 'homeowner field cards would be free and would be available at town hall'.

Page one, last paragraph, second sentence: remove 'however' then it should read, 'the next revaluation in four years will also be statistical.'

Page two: 4th paragraph, change the last sentence to read 'November 13th and then there will be a public hearing held on November 17th.'

**** DR. MICELI MOVED TO ACCEPT THE MINUTES OF NOVEMBER 3, 2003 AS CORRECTED.**

**** MS. THORNE SECONDED. MS. SANTARELLA ABSTAINED.**

**** MOTION PASSED.**

APPROVAL OF MINUTES OF NOVEMBER 10, 2003

**** MS. THORNE MOVED TO APPROVE THE MINUTES OF NOVEMBER 10, 2003.**

**** MR. HARREL SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

APPROVAL OF MINUTES OF NOVEMBER 13, 2003

Corrections:

Page two: fifth paragraph, remove the 'd' from Diller Property.

Page two: seventh paragraph, it should read Vavala's Deli instead of Tony's Deli.

**** MR. HARRELL MOVED TO APPROVE THE MINUTES OF NOVEMBER
13, 2003 AS CORRECTED.
** DR. MICELI SECONDED.
** MOTION PASSED UNANIMOUSLY.**

APPROVAL OF MINUTES OF NOVEMBER 17, 2003

**** MR. HARRELL MOVED TO APPROVE THE MINUTES OF NOVEMBER
17, 2003.
** DR. MICELI SECONDED.
** MOTION PASSED UNANIMOUSLY.**

APPROVAL OF MINUTES OF NOVEMBER 24, 2003

Corrections:

Page one, fifth paragraph, 'SWERPA' should read 'SWRPA'.

Page one, second paragraph, second line, 'systematic grading' should read "systematic upgrading of power grid".

Page two, eighth paragraph add the word 'to' after 'Mr. LoParco.'

Page two, first paragraph, take out 'State' should read 'Board of Finance'.

Page four; first paragraph, eighth line, 'meters' should be 'spaces'.

Page four; add that Ms. Santarella said that she suggested seeking an opinion from the Town Counsel on the availability of the 12 acres at Avalon Bay.

**** MR. HARRELL MOVED TO APPROVE THE MINUTES OF NOVEMBER
24, 2003 AS CORRECTED.
** DR. MICELI SECONDED.
** MOTION PASSED UNANIMOUSLY.**

1st SELECTWOMAN'S REPORT

The First Selectwoman said that the tree lighting ceremony was last night. She said that the TableTop review would meet in room 206 on December 3 at 10:00am. She said that the Superintendent's Recommendation for Tokeneke School would meet in the Tokeneke common room at the school for the public hearing and at 7:30pm the Coastal Waters would be meeting in room 213.

The First Selectwoman said that there are two vacancies on the Youth Commission.

ADMINISTRATIVE OFFICER'S REPORT

Mr. Crary said that he has nothing to report tonight.

NEW BUSINESS

a) Consider and take action on the following reappointments:

- 1) Beautification Commission – Chris McGoldrick (D) for a term expiring on 11/30/06.

**** MS. THORNE MOVED TO REAPPOINT CHRIS MCGOLDRICK TO THE BEAUTIFICATION COMMISSION UNTIL 11/30/06.**

**** MR. HARRELL SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

- 2) Monuments & Ceremonies Commission – Phillip Kraft (U) and Kenneth Reiss (U) for terms expiring on 11/30/06.

**** MR. HARRELL MOVED TO REAPPOINT PHILLIP KRAFT AND KENNETH REISS TO THE MONUMENTS & CEREMONIES COMMISSION UNTIL 11/30/06.**

**** MS. THORNE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

b) Meet with subcommittee of RTM Rules Committee on proposed changes to the Town Code.

First Selectwoman Klein welcomed Seth Morton of the RTM, Finance and Budget Committee to tonight's meeting.

Mr. Morton said that the RTM and the Finance and Budget would like to look at the operation of both the town and police pension boards. He said that was because of the realization that there is 40 million dollars to think about and change some things. Mr. Morton said that the Rules Committee explained their thoughts on how the board was set up. He said that there was an oversight on the part of the Board of Finance. Mr. Morton also said that the Rules Committee formed a subcommittee to figure out what was going on.

Mr. Morton said that he, Mr. Wenger and Mr. Pegler were on the subcommittee of the Rules Committee. He said that for the past three weeks they have researched the town codes and ordinances of where it might be improved if at all. He said that the Board of Finance has a broad knowledge and could oversee the Pension Board and how funds were invested. He said that as they looked at the pension boards, it was inconsistent between how they were set up and how they were run. Mr. Morton said that that needed to be cleaned up.

Mr. Morton said that the subcommittee has come up with some thoughts about the remedies of the inconsistencies and to be a voice on the Board of Finance. He said that Hersh Pegler has done a lot of the work on the summary of the draft and is attached for tonight's meeting.

Mr. Morton said that they would receive comments before the final recommendation to the Rules Committee. Mr. Morton said that this was a proactive step to correct the inconsistencies for both pension boards.

Mr. Pegler said that the two boards were established separately and managed separately. He said that it became clear that the pension board was established later and in terms of what is actually in the code provides a lot more safeguard and governance. Mr. Pegler said that there are several points to go through and he would make it as clear as possible.

Mr. Pegler said that there are two sections to the memo. He said that the first section is the summary of what is currently in the code and the second section has recommendations creating consistencies with the two pension boards. He added that the Police Pension Board does not have the Board of Selectman overseeing the decisions made by the Police Pension Board. He said that the town board is comprised of five members with one employee from the Town of Darien. He said the police board has three police commissioners, a member of the police department and a member of the Board of Finance. Mr. Pegler said the town board language in the code is silent on how long the member is appointed. He added that the police board is specific on length of term.

Mr. Pegler said that both boards have a trustee that is a bank and takes orders from the board. He said that there is an investment manager to direct the trustee on how to invest the assets. Mr. Pegler said that there is an actuary that both boards have. Mr. Pegler said that the glaring hole is that the town does not have any recording requirements to anyone or any auditing requirements of the town funds while the police board has specific language in terms of the audit and the reporting requirements of the trustee.

Mr. Pegler said that the first recommendation on page four is to streamline and make the membership of the town board mirror the membership of the police board. He added that that would be three electors to serve three years, one town employee and one member of the board of finance appointed by the Board to each serve a one year term.

Mr. Pegler said that he wanted everyone to know that none of the proposed language has been to the town council yet.

Mr. Pegler said that the recommendation of number two would be that the town Board shall have a chairman and secretary, a formal process for electing the chairman and secretary for both the Town Board and Police Board and finally that the town administrative officer or his designee shall serve as clerk for both boards.

Mr. Pegler said that the third recommendation would be to update the town code to incorporate the proposed auditing and reporting requirements set forth in this recommendation.

Mr. Pegler said that the fourth recommendation basically conforms the amendment and termination language of the police pension fund.

Mr. Pegler said that recommendation number five states that there would be professional money managers to render investment advice and direct investment of funds in each of the town employee retirement plan and police pension fund pursuant to an appointment agreement between the town and the investment manager. He said that the investment managers would have certain eligibility requirements were they retained by the town. Mr. Pegler said that the appointment agreement shall include, or incorporate by reference, published investment guidelines which govern the investment objectives and limitations of the town employee retirement plan and police pension fund, and shall stipulate that the investment manager provide the Town Board and Police Board detailed performance data on invested funds at least quarterly.

He said that the published investment guidelines shall be periodically reviewed and approved by the Town Board and Police Board.

Mr. Pegler said that because the town code in the plan currently set forth that the trusty acts at the direction of the town and police board, letter 'E' refers that the investment advisor has the town board's proxy.

Mr. Pegler said that currently the town code incorporates the full comprehensive plan description for both the town employee retirement plan and the police pension fund. He said that this was inconsistent. Mr. Pegler said the recommendation would be to have the town employee retirement plan and the police pension plan stand alone and have the town code as a charter that sets forth the general frame work.

Mr. Morton said that the Board of Finance felt that they should be the ones to appoint auditors for the town. He said that letter "e" of the appointment of auditors states the state law requires the Board of Finance to appoint outside auditors.

Mr. Harrell said that the Police Board should be referred to as the Police Union for record purposes. He said it was the Police Union Pension.

Dr. Miceli questioned the wording of the plan from years ago because there was a certain amount contributed. Mr. Morton said it was changed because putting in a certain amount did not make any sense at all. Mr. Morton said that the town contribution was not being adhered to. Mr. Harrell said that the town wording is wrong.

First Selectwoman Klein asked if there were any other questions.

Mr. Crary said that under recommendation number five, the 'shall' should be changed to 'may' because money managers are not needed if the town decides to invest in index funds.

Ms. Santarella asked if the Rules Committee formed a subcommittee why was TGS & A not included in the discussion. She said that this summary was very well done. Mr. Morton said that they have to come before the town council with what they want to do. He said that they talked to TGS&A but nothing was decided. Dr. Miceli said that this was a feasibility review not a writing of the charter. Mr. Harrell said that the subcommittee should make clear when a quarterly meeting would be held.

Mr. Crary said that he was aware that there are two boards but maybe the boards could have the same chairperson in terms of chairing the meeting. He said that the chairperson does not have disbursement authority.

Mr. Morton said that the RTM recommends to formally specifying that the Board of Finance appoints auditors. He said if not the Board of Finance, then the Board of Selectman because of the need for an independent body to audit. Mr. Morton said that there is a need for an independent oversight body to do audit. He added that it would be a body that is not involved directly in the operations of the town. Ms. Thorne said that the Board of Finance is responsible for the finances of the town. She added that the Board of Finance does not spend without the town's approval. Mr. Morton said that the situation was that the Board was the operation people and if you appoint the auditor, then you are responsible for the audit. Mr. Morton said an independent body should appoint the auditor.

Mr. Harrell that before when an auditor was appointed there was a panel made up of the First Selectman, the Comptroller, the Town Administrator and one person from the Board of Finance. He said that the panel interviewed three or four auditors. He said he felt that there was confidence that a friend would not be appointed.

Mr. Hovell said he spoke to Wayne Fox about this and he said that the State law intent was to have the Board of Finance appoint auditors. He said that the wording was a sloppily written law that looks like it allows the Board of Selectman to appoint the auditors when the intent was to have the Board of Finance appoint the auditors.

Mr. Morton said that the recommendation is modeled to have an outside person audit with the Board of Finance appointing the auditor.

Mr. Hovell said that the Board of Selectman has no authority to appoint an auditor to the Board of Education. Mr. Hovell said an example was that Mr. Harrell had signed the auditing letter before he could add something to the letter, therefore nothing could be added. Mr. Hovell said that the Board of Finance is responsible for the audit, but he would write a letter telling them that they want another audit.

Ms. Santarella asked if the Board of Selectman were being asked to relinquish the appointment of auditors to the Board of Finance. Mr. Morton said that representatives at the town meeting could vote to change who appoints the auditors.

The First Selectwoman asked if there was anything else. Mr. Morton said that the subcommittee would bring everything back to the Board then to the Rules Committee. Ms. Santarella asked that the Board to be notified when the recommendations go to the Rules Committee.

C) Report on Connecticut Conference of Municipalities (CCM)-Bob Harrel

Mr. Harrel said the discussion centered on the legislative program for 2004. He said that financial matters were discussed. Mr. Harrel said that the state has problems. He said that the Chairman of the CCM is Phil Schenck, Jr., Town Manager of Avon. Mr. Harrel said that they approved the increase for the CCM staff. He said that the CCM would pursue helping the Blue Ribbon panel on property taxes. Mr. Harrel said that there was a feeling that CCM would be lobbying for the continuation of increase in the conveyance tax. He said that it may not survive and it would be a substantial hit for us. Mr. Harrel said that they were in the CIRMA Board meeting where the agreement was signed for budget stabilization with insurance for programs and casualty programs. He said the next meeting of the CCM would be December 16th.

D) Amendment to Darien Boat Club, Inc lease to include the Dinghy Area at Pear Tree Point Beach

Mr. Harrel said that the only concern was that the town started out talking about partnership where the boat club would take over the racking and non-members could keep their boat there. Mr. Nolte said that that agreement was not in the lease terms. He said that his staff would work with Parks and Recreation on how boats are stored and registered and with the removal from the boat club. Mr. Nolte said that they needed a procedure manual. He said that if there were staff on site before and after season then they could take care of boat removal. First Selectwoman Klein asked when the book would be completed. Mr. Nolte said that once everyone approved the book, the book could be in place by March or April of 2004. First Selectwoman Klein said that the goal date would be March 15, 2004.

Ms. Thorne asked if there was intent to move one fence. Mr. Nolte responded that was the intent. Mr. Nolte said that from beyond that area to just before the concrete area. Ms. Santarella said that in Ms. Swiatek's letter regarding the additional space being marked 'private property' sends a negative connotation. She added that it should say Darien Boat members only. She asked if the fence was 80 feet from the telephone pole.

Ms. Santarella asked if the entire 80 feet was needed. She asked how would the wind surfers take off from the beach. She said if it was from the back area then it would be the same area as before.

Ms. Santarella asked Mr. Nolte if there were plans to add a second story. Mr. Nolte responded that a 20-foot deck might be added but not a second story. Ms. Santarella said that she was not comfortable with the fence going up as far as it was going.

First Selectwoman Klein read the Board of Selectmen Resolution regarding the lease with the Darien Boat Club, Inc.

WHEREAS, the Parks and Recreation Commission has received and approved a request from the Darien Boat Club, Inc. to amend an existing lease by adding the property known as the dinghy area to the lands that the club currently manages; and

WHEREAS, a modification of a lease requires the approval of the Board of Selectmen and the Representative Town meeting.

She then asked for a motion to approve the resolution.

**** MS. THORNE MOVED THE RESOLUTION THAT THE BOARD OF SELECTMENT HEREBY APPROVES THE AMENDMENT TO THE EXISTING TOWN'S LEASE WITH THE DARIEN BOAT CLUB, INC. THAT WAS APPROVED ON MAY 27, 1987.**
**** DR. MICELI SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

E) Noroton Heights Railroad Station and Parking Area-Application for funding to the Connecticut Department of Transportation.

First Selectwoman Klein asked if everyone had read the model letter from the CT DOT. She said essentially what the letter states is the DOT has expressed an interest in building more parking at the Noroton Heights Railroad Station. She added that there would be funding from the Transportation Strategy Board of \$9 million dollars to add additional parking. First Selectwoman Klein said that if the town of Darien agrees to do this then the State DOT would take over the railroad station. She added that the DOT needed a verbal agreement by December 19th.

First Selectwoman Klein said that the state would renovate and repair the existing station and add a second tier for a total of 1,000 parking spaces. She said that the advantage to this was that maintenance would be the responsibility of the DOT. First Selectwoman Klein said that Wayne Fox said that it was crystal clear about what to do. She said that we would have a renovated station and it would remove the burden of maintenance for the station. First Selectwoman Klein said that the talk for the past few years was that the DOT would take over railroad stations along the New Haven Line and I95. She also said that there would be an increase in fees but that would mean an increase in service too. First Selectwoman Klein said that the DOT would widen the road at the station and that would make it easy on and off of I95. She said that the opportunity was here to let DOT take the station and pay for the renovation and repairs or let DOT take the station anyway after Darien has made the repairs themselves.

First Selectwoman Klein said she asked Mr. Steeger to put together a price of what it would cost the town of Darien to do upgrading. She said that Mr. Steeger said it would cost about \$49,000 for upgrading at the station. She also said it would include a new drop ceiling, siding installation, replace Plexiglas windows, a new bathroom and painting and sandblasting.

First Selectwoman Klein said she would like to hear from the commuters, put something on the website and also put a suggestion box at the station.

Ms. Santarella said that it would add more traffic to the area. She said that she also saw this proposal ten years ago up in Wethersfield.

Ms. Thorne said that she realizes that this is out of the town's control. She said that the goal of CONDOT was to take the traffic off the highway. Mr. Harrel asked if the DOT would take the Darien station too. First Selectwoman Klein responded that DOT would take Darien but not at the same time as the Noroton Heights station. Mr. Harrel said that if DOT took the station Darien would lose Mechanic Street parking revenue. He also said that Darien residents would lose the downtown parking.

Ms. Thorne said that bringing traffic into Darien is not the solution. She added that she would not be happy working with DOT. Dr. Miceli said that this would change the complexion of our town. Ms. Santarella said that she agreed with Ms. Thorne and Dr. Miceli. Ms. Thorne said that having an extra tier for parking was good but she was not comfortable turning over the station to DOT. She said that Darien would get security calls from the station because commuters would not know that the station belongs to the state.

First Selectwoman Klein said that the report from the state said that the station was rated number 2. She said that it was not functioning, as it should. First Selectwoman Klein said if the state mandates that the town-upgrade the station the cost would be prohibitive to Darien.

First Selectwoman Klein said that she would expect a strong commitment for the station upgrading at budget time if everyone wanted to decline this offer. She added that the DOT could take the station in one or two years anyway. She said that Darien would be at the DOT mercy.

Ms. Thorne said that she was worried about the quality of life in Darien with the volume of traffic from Noroton Heights.

First Selectwoman Klein said whatever the Board decides to do is fine with her. She said she would put off the town's answer until the 19th.

OLD BUSINESS

A) Discussion of Priorities for 2004.

First Selectwoman Klein said that it was important to start to realize what was important for Darien. First Selectwoman Klein asked what the personal goals and short-term priorities were.

Dr. Miceli said that his categories were the quality of life, capital budget and the town.

Ms. Thorne said that she went through the capital expenditure plan and highlighted a cluster of things and that one drives the other. She said that land acquisition, Tokeneke schools, parks, and dollars in the budget for IT.

First Selectwoman Klein said that open space is her first priority. She added that purchasing the Procaccini property in 2004 is a priority. First Selectwoman Klein said under that category are to remedy recreational issues and lay groundwork for the pool.

First Selectwoman Klein said that her second priority was education and Tokeneke for 2006. She said that her third priority was transportation and traffic. She added that town signage needed to improve.

First Selectwoman Klein said on the short-term list were items that are actually being worked on such as traffic issues and the Noroton Heights station.

Mr. Harrel said that if the library building becomes available there would be an opportunity to own. He said that it was a valuable piece of property. He added that it was like buying open space. Mr. Harrel said that he agreed with Ms. Thorne about the technology. Mr. Harrel said the other priority was the boat ramp.

Mr. Harrel said that other issues to think about are where the skate park was going to be and about the pool.

Ms. Santarella said that she would revisit the vision statement and also agree with everyone about the land space. Ms. Santarella said she believed that there needed to be charter revision. She added that a committee needed to do the charter revision. Ms. Santarella said that a downtown task force needed to be created. She said that she has the Tokeneke School and the Senior Center as a priority. Ms. Santarella said she would like to see the beaches and parks enhanced. She said that the Board needed to be stronger advocates for the parks. Ms. Santarella said that the Board needed to finish the projects that are not completed. She added that the previous Boards were not successful at doing that. Ms. Santarella said that she listed the library also.

First Selectwoman Klein said the vision statement should be for the town not just for the development. She said that people move here because of the schools, the commute to New York and the beachfronts.

First Selectwoman Klein said that she would be asking everyone what they got for their tax dollar. She said she would direct the department heads to put their needs in the budget. First Selectwoman Klein said that specific requests came from residents. She said that maybe a plan needed to be developed to acquire property. Ms. Santarella asked if they should make recommendations to the First Selectwoman. First Selectwoman Klein responded yes. Ms. Santarella said that the town needed to go back to the Town's Development Plan. She said that the town missed a lot of opportunities. She added that the town needed to pursue properties for Darien's future. First Selectwoman Klein said that she agreed. She said that the Board needed to see what Darien would look like 20 years from now. She said that the Board has a lot of questions to answer as leaders of the town.

First Selectwoman Klein said that she would like to have a list of everyone's email by next meeting.

PUBLIC COMMENT

Discussion took place on the lights at Tilly Pond and why they weren't turned on. Mr. Artihinean said that he thought there was an agreement. First Selectwoman Klein said that she would like to hear from the community first.

The Board convened into Executive Session at 7:35pm.

The Board reconvened into Public session at 7:40pm.

FORTHCOMING MEETINGS

- a. December 8, 2003 – RTM State of the Town meeting at 8:00pm.
- b. December 9, 2003 – Board of Education at 7:30pm.
- c. December 15, 2003 – Board of Selectmen - Regular meeting at 8:00pm.
- d. December 16, 2003 – Board of Finance – Meeting at 8:15pm.
- e. December 17, 2003 – Parks and Rec – Meeting at 7:30pm.
- f. January 6, 2004 – P & Z Planning Meeting at 7:30pm.

OTHER BUSINESS

There was no other business tonight.

**** MS. THORNE MOVED TO ADJOURN.**
**** DR. MICELI SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 7:40pm.

Respectfully submitted,

Jean Lane for
Telesco Secretarial Services